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## CERTIFICATE OF MAILING (37 CFR 1.8)

Date of Deposit with U.S. Postal Service: June 19, 2001

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

Art Unit : 1624  
Examiner : Brenda Coleman  
Applicant(s) : Toni-Jo Poel, et al.  
Serial Number : 09/138,209  
Filed : August 24, 1998  
For : Phenyloxazolidinones Having a C-C Bond to 4-8 Membered Heterocyclic Rings

Commissioner of Patents and Trademarks  
Washington, DC 20231

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## TRANSMITTAL OF A RESPONSE TO A NON-FINAL ACTION (37 CFR 1.111)

Sir:

Transmitted herewith is a reply and/or amendment in the above-captioned application in response to the Examiner's action dated 5/21/01.

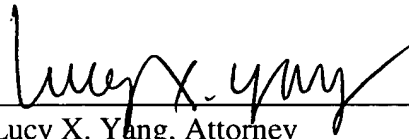
- ☒ The reply and/or amendment is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.
- ☐ An additional fee in the amount of \$ is required for the amended claims presented and has been calculated as shown in the attached sheet.

Please charge Deposit Account No. **21-0718** in the amount of the additional fee above, or such greater or lesser amount of excess fees for claims as the Commissioner determines is required by law. Triplicate copies of this sheet are enclosed.

**EXTENSION OF TIME.** In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the attached reply and/or amendment to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. **21-0718**. If for any

reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,

  
\_\_\_\_\_  
Lucy X. Yang, Attorney  
Registration No. 40,259

Date: 6-19-2001

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Enclosures:

Reply/Amendment

☐ Calculation of Additional Fees for Amended Claims

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, DC 20231

## RESPONSE UNDER 37 CFR 1.111

Sir:

Responding to the Office Action dated on May 21<sup>st</sup>, 2001, Applicants respectfully submit three sets of claims under 37 CFR 1.121. The first set is the rewritten claim 6 without marking under 37 CFR 1.121 (c) (1) (i).

The second set is a clean version of the entire set of pending claims under 37 CFR 1.121 (c) (3).

The third set is the rewritten and newly added claims during the prosecution without markings under 37 CFR 1.121 (c) (1) (i).

Applicants wish to point out that there are 20 claims pending currently. Claims 16-20 were submitted to the Examiner on November 8, 2000 as a SUPPLEMENTAL RESPONSE AND AMENDMENTS. The subject matter of claims 16-20 is not within the scope claimed in US patent 5,981,528. During the telephone conversation with the Examiner dated February 21, 2001, the Examiner informed the undersigned attorney that the supplemental response was entered.

Applicants believe that claims 1-6, 8, and 11-20 are in condition for allowance. Their earliest allowance is respectfully requested.

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